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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,795	05/16/2007	Michael Everton	WOD 0001 PA	6261
23368 7590 03/31/2009 DINSMORE & SHOHL LLP ONE DAYTON CENTRE, ONE SOUTH MAIN STREET SUITE 1300 DAYTON, OH 45402-2023				
EXAMINER DURAND, PAUL J				
ART UNIT		PAPER NUMBER		
1797				
MAIL DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/585,795

**Applicant(s)**

EVERTON, MICHAEL

**Examiner**

PAUL J. DURAND

**Art Unit**

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 4-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 12-Oct-2006
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because:

[Line 2] – Reference is made to a “compression unit”. The claims and the specification make no reference to a “compression unit”

[Line 3] – The text “at a predetermined in order to reduce” is apparently missing at least one word. Perhaps it should read something like “at a predetermined **level** in order to reduce”.

Correction is required. See MPEP § 608.01(b).

2. Claims 4-21 and 24 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim must refer to other claims in the alternative only and cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 5-21 and 24 have not been further treated on the merits. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that they fail to point out what is included or excluded by the claim

language. These claims are omnibus type claims.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102 (b) as being anticipated by Eldredge et al. (US 5,399,260 listed on IDS received 12-Oct-2006).

**Regarding claim 1**, Eldredge discloses:

A transportable (C1/L40-42) water purification unit (C1/L36) comprising

a first sub-assembly which is essentially a pumping unit (C3/L46-48;C4/L42-45)

capable of pumping water substantially within the purification unit and

a second sub-assembly which is essentially a filtering unit capable of filtering at

least biological matter and/or particulate matter from the water by passage of

the water through the filtering unit ( Fig 5; See diatomaceous earth filter

module 62; Fig 8; See D.E. unit which sends D.E slurry to tank 71 – Fig 9 -

for controlled feed to incoming untreated water through injector 94 in order to

maintain an optimum filter pack in filter 31) so as to produce substantially

cleaner water

characterized in that at least the first sub-assembly and/or the pumping unit is or are removable from or demountable from the purification unit so as to be capable of

operation independently of operation of the purification unit (Fig 3; See that subassembly 60 comprising pump 11 and diesel engine 8 is self-contained, removable from the purification unit – Fig 2b – , capable of independent operation).

6. Claims 2-3 are rejected under 35 U.S.C. 102 (b) as being anticipated by Gadgil(US 6,464,884).

**Regarding claim 2**, Gadgil discloses:

A transportable water purification unit (Abstract/L1-2; Fig 1; See water treatment unit 20 on a cart with wheels 42) comprising

a first sub-assembly which is essentially a pump capable of pumping water through the purification unit at a first flow rate (Fig 2, See pump 24; C5/L6-10, See “....pump 24 supplies sufficient pressure....”),

a second sub-assembly which is essentially a sterilizing unit capable of introducing a dosage rate or amount of a sterilizing agent to the water being treated by the water purification unit at a second flow rate (Fig 2, See UV light disinfection unit 36; C2/L30-35, See “The ultraviolet light disinfection unit is connected so as to receive water that has flown through one or more filters. The ultraviolet light disinfection unit is configured to treat the water by emitting ultraviolet light through the flowing water.”; C8/L41-62, See that the preferred embodiment disinfection unit delivers a UV energy dose at a rate capable of disinfecting just under 1 ton of water per hour, which corresponds to 15 liters per minute.) , and

a filtering system for filtering contaminants from the water being treated by passage through the purification unit (Fig 2, See series of filters 25; C4/L21-25)

characterized in that the purification unit further comprises

a control means for controlling and/or regulating the first flow rate to a value within a predetermined range of flow rates in which said predetermined range is independent of the extent of blockage or clogging of the filter system reducing the flow rate of water through the purification unit so that the second flow rate or dosage rate of the sterilizing agent is maintained within a preselected amount in accordance with the regulated or controlled flow rate of water in the predetermined range thereby substantially reducing or eliminating fluctuations in the amount of sterilizing agent added to the water being treated by the purification unit ( Fig 2 and C4/L35-40, See flow meter 34 and flow regulator or restrictor - not shown – placed downstream of flow meter 34 and upstream of disinfection unit 36. The purpose of said flow regulator – control means – being to make sure that the untreated water is flowing at a rate below the level required by the UV disinfection unit, 15 liters per minute for the example given above) .

**Regarding claim 3**, Gadgil discloses all the limitations set forth in claim 2 above. Additionally the reference discloses:

a method of operating a transportable water purification unit characterized

in that a first sub-assembly

which is essentially a pumping unit capable of pumping water through the purification unit is operated to produce a first flow rate of water through the purification unit at a first flow rate,

in that a second sub-assembly

which is essentially a sterilizing unit capable of introducing a dosage rate or amount of sterilizing agent to the water being treated by the water purification unit is operated at a second flow rate,

in that the first flow rate is regulated or controlled to a predetermined value by a control means for controlling the first flow rate irrespective of the state of a filter system wherein

the control means is operated to produce or regulate the first flow rate and the second flow rate is determined in accordance with the first flow rate thereby substantially reducing or eliminating fluctuations in the dosage rate of the sterilizing agent in the water being treated by the purification unit.

The limitations recited in this method claim are implicitly met by the transportable water purification unit as discussed in claim 2 above.

***Conclusion***

7. The prior art made of record and not relied upon, US patents 5,547,584 and 5,741,416 are considered pertinent to applicant's disclosure because they deal with transportable water purification systems and methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL J. DURAND whose telephone number is (571)270-7076. The examiner can normally be reached on Mon - Thurs: 7:30 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DUANE SMITH can be reached on (571)272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew O Savage/



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/PJD/